

TRANSCRIPT OF PROCEEDINGS BEFORE  
THE SENATE OF THE STATE OF TEXAS  
EIGHTY-SECOND LEGISLATURE  
(COMMITTEE OF THE WHOLE SENATE)  
AUSTIN, TEXAS

IN RE:

CONSIDERATION OF  
SENATE BILL 14

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COMMITTEE OF THE WHOLE SENATE  
TUESDAY, JANUARY 25, 2011



BE IT REMEMBERED THAT AT 8:05 a.m., on Tuesday, the 25th day of January 2011, the above-entitled matter continued at the Texas State Capitol, Senate Chamber, Austin, Texas, before the Committee of the Whole Senate. The following proceedings were reported by Aloma J. Kennedy, Lorrie A. Schnoor and Kim Pence, Certified Shorthand Reporters.

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1 CHAIRMAN DUNCAN: All right. Thank you,  
2 Ms. McGeehan.

3 The Chair recognizes Senator Davis.

4 QUESTIONS FROM SENATE FLOOR

5 SEN. DAVIS: Hello. Good evening. Thank  
6 you so much for being here with us to provide answers  
7 for our questions. I know you've had a long day.

8 I just want to ask you a few questions  
9 about the current state of voter education as its taking  
10 place today in the Secretary of State's Office. Can you  
11 describe for us the use of the HAVA funds and how those  
12 are currently being used today?

13 MS. MCGEEHAN: We received -- when  
14 Congress passed the Help America Vote Act, the state of  
15 Texas received a set amount of funds. And pursuant to  
16 the Help America Vote Act, there are certain purpose  
17 areas that we can use those funds for, and one of the  
18 purpose areas is voter education. So since two -- we  
19 have conducted three statewide education -- voter  
20 education programs, one in 2006, one in 2008 and one in  
21 2010 using those federal dollars. And they have been --  
22 we've worked with a public education firm to do  
23 research, and then they develop creative material. We  
24 run PSAs on TV, radio. In this last cycle, 2010, we  
25 used the Internet quite a bit as well.

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1 SEN. DAVIS: That's the amount that was  
2 given to the state of Texas?

3 MS. MCGEEHAN: Yes.

4 SEN. DAVIS: Okay. And so of that amount,  
5 how much have we spent so far?

6 MS. MCGEEHAN: Let's see here. We -- I  
7 think we have spent \$177,798,488.

8 SEN. DAVIS: Okay. And you described  
9 spending about \$3 million over the last three two-year  
10 cycles. How have we spent the balance of that?

11 MS. MCGEEHAN: Well, I mean, the bulk of  
12 the money or about half of the money went to counties to  
13 obtain HAVA compliant voting systems, electronic voting  
14 systems that made -- that complied with HAVA and allowed  
15 disabled voters to vote independently. So let's see.  
16 \$140 million went to the counties for that purpose.

17 The other program areas are for developing  
18 a statewide voter registration system. We've spent  
19 25 million on that. And then as far as the  
20 administrative expenses, we've spent about 2.8 million  
21 on that. For voter education, we've spent 9.5 million  
22 so far.

23 SEN. DAVIS: And what are the -- setting  
24 aside the requirements of the bill that's being  
25 introduced today, what are the intended plans for the



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1 budget that I discussed is following that state plan.

2 SEN. DAVIS: Okay. And under that state  
3 plan right now, what portion of funding remains for  
4 voter education?

5 MS. MCGEEHAN: For voter -- okay. And  
6 actually to be more precise, what the -- the purpose  
7 area for voter education is for voter education and also  
8 for election official and poll worker training; that's  
9 grouped. And the amount remaining is between 5 and  
10 \$7 million.

11 SEN. DAVIS: Okay. And that is expected  
12 to extend us or to take us through the next how many  
13 years under that plan?

14 MS. MCGEEHAN: It will -- again, it's  
15 going to depend how extensive our next few voter  
16 education programs are because that's what the bulk of  
17 the money has been spent on, voter education programs.  
18 The average is about 3 million. So I guess the hope  
19 might be for at least two other statewide voter  
20 education programs.

21 SEN. DAVIS: Okay. And I'm sure you've  
22 seen the fiscal note that was a part of this bill. And  
23 by the way, I think it would be very helpful if you  
24 would enter that state plan into the record as an  
25 exhibit for our further use.

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1 but it's hard for me to say today exactly how much that  
2 may take away from future voter education efforts.

3 SEN. DAVIS: When was the last time in the  
4 state of Texas we made any changes of significance to  
5 the voter rules?

6 MS. MCGEEHAN: Probably the -- when we had  
7 to implement the federal Help America Vote Act. That's  
8 when provisional voting became a requirement. There  
9 were significant changes to voter registration as to  
10 what's required to become a registered voter, and that's  
11 why we have these HAVA dollars for voter education.

12 SEN. DAVIS: And that began in '06.  
13 Correct?

14 MS. MCGEEHAN: Correct.

15 SEN. DAVIS: Okay. In '06, the Texas  
16 voter registration application form changed in  
17 accordance with those requirements, it's my  
18 understanding, and that's when we began to collect this  
19 data that requested a driver's license number or a  
20 social security number. Is that's correct?

21 MS. MCGEEHAN: That's correct.

22 SEN. DAVIS: Okay. So we have data, I  
23 guess, only from '06, and that would -- would that only  
24 be then for new registrants from '06? If I had already  
25 registered to vote prior to that, you wouldn't have that

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1 percent number, but the actual number is 2.3 million  
2 since 2006. Since January 1, 2006 through December 31,  
3 2010, 2.3 million, when they registered, provided their  
4 driver's license number.

5 SEN. DAVIS: What's the total number of  
6 applications in that time period?

7 MS. MCGEEHAN: And the total number -- I  
8 think it's going to be just under 3 million, and I'm  
9 doing math on the fly. I might have to -- I'd prefer to  
10 give that --

11 SEN. DAVIS: Can you provide that  
12 information --

13 MS. MCGEEHAN: Yes.

14 SEN. DAVIS: -- to us?

15 MS. MCGEEHAN: Yes.

16 SEN. DAVIS: That would be appreciated.

17 So what's the number of people who are not  
18 filling out either the driver's license number or the  
19 social security number in Section 8 but instead are  
20 going to Section 9 and signing the attestation clause of  
21 Section 9?

22 MS. MCGEEHAN: And that's the attestation  
23 clause saying they have not been issued either form of  
24 ID?

25 SEN. DAVIS: (Nodded)



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1 was optional. It was on the form.

2 SEN. DAVIS: Uh-huh. Okay. So we really  
3 don't know how many of that group were answering the  
4 question voluntarily because they have the number versus  
5 those who were not answering it, not because they chose  
6 to, but because they did have their driver's license  
7 number?

8 MS. MCGEEHAN: Yes, you are correct.  
9 That's right.

10 SEN. DAVIS: So when we're putting  
11 together an estimate of what the cost to educate our  
12 voters is going to be and when we think about how  
13 significant the changes are that are addressed in this  
14 bill, what's your -- what's your process been to try to  
15 determine how many people will be impacted and what that  
16 voter education is going to need to look like?

17 MS. MCGEEHAN: Well, we -- I mean, to be  
18 very honest, we haven't done much planning yet. We  
19 prepared this fiscal note on Friday. That would be  
20 obviously a very important component is trying to  
21 identify who the appropriate audiences are, who you need  
22 to get the information out to.

23 Senator Williams had approached us earlier  
24 today to see if we could do some comparisons to try and  
25 further focus in on who those registered voters are that

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1 what's required in order to vote in the state of Texas.  
2 Why is the number to educate -- on such a sweeping  
3 change for what will likely be a much larger group of  
4 impacted people in the state of Texas, why is that  
5 number so much lower than the \$3 million number that's  
6 currently being spent for voter education?

7 MS. MCGEEHAN: Well, if the -- if a  
8 \$2 million program is added into an existing \$3 million  
9 program, then you've got a \$5 million program. I mean,  
10 our voter education under HAVA is directed to all  
11 registered voters. And so, you know, a new voter -- a  
12 new photo ID requirement would also need to be directed  
13 to all registered voters because it's a change for all  
14 voters.

15 SEN. DAVIS: So we're talking about -- I'm  
16 sorry to interrupt you. We're talking a \$2 million  
17 addition to the \$3 million that was already intended for  
18 voter education in this next two-year cycle.

19 MS. MCGEEHAN: Possibly, possibly. I  
20 mean, we -- you know, we've got a communications  
21 director that would have some input on that. This  
22 fiscal note represented what we thought might be a  
23 reasonable fiscal note. If we have, you know,  
24 legislative direction to take it a different way or do  
25 additional outreach, that's fine. But based on the way



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1 really nice to have them to do that. We never had that  
2 kind of funding before. So if there's a desire to do  
3 voter education programs of this -- of this type, then  
4 we would need state appropriation.

5 SEN. DAVIS: So these federal funds will  
6 take us basically through a one-time voter education  
7 drive on the requirements of this new law, but it's not  
8 going to take us further than that?

9 MS. MCGEEHAN: Not if we use it all,  
10 not -- it could possibly use up the remainder of the  
11 voter education funds.

12 SEN. DAVIS: Okay. So we've talked about  
13 the voter education. Talk to us a little bit about the  
14 costs of training the poll workers and the registrars.

15 MS. MCGEEHAN: We currently have several  
16 training programs for -- well, we have training programs  
17 for the county election officials and then other  
18 training programs for the poll workers. We have an  
19 online training program. We have a video. We have  
20 handbooks. So we would have to update all of those --  
21 all those different formats of training.

22 SEN. DAVIS: And what's the anticipated  
23 costs for updating all those forms of training?

24 MS. MCGEEHAN: We don't usually put a  
25 fiscal note when there's a change in state law and we